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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,709	01/06/2006	Jurgen Schmidt	PD030076	1607
24498	7590	01/30/2009		
Robert D. Shedd Thomson Licensing LLC PO Box 5312 PRINCETON, NJ 08543-5312			EXAMINER RAHMAN, MOHAMMAD N	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 01/30/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,709

Applicant(s)

SCHMIDT, JURGEN

Examiner

MOHAMMAD N. RAHMAN

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 11/05/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing 1 notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP § 1205.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-12** are rejected under 35 USC 103 as obvious over Yasushi Fujinami (U.S. Patent No. 5,502,573) in view of "Information technology- Coding of audio-visual object, March, 2002", hereinafter "Coding of audio-visual object".

As to claim 1, Fujinami teaches, method for decoding a data stream, containing a first and a second substream, the first substream containing first and second multimedia data packets and the second substream containing control information, wherein the multimedia data packets contain an indication of the time when to be presented and are decoded prior to their indicated presentation time (see at col.1, lines 53-57 and col. 11, lines 66-67 and col.12, lines 1-19), the method comprising the steps of:

- "storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer" at col. 11, lines 66-67 and col.12, lines 1-19 and col.13, lines 29-41, (the video and audio decoding time stamp data may be replaced by alternative, yet equivalent, time data known as presentation time stamp (PTS) data).

Fujinami does not teach, "extracting from said control information of the second substream containing first, second and third control data, wherein the first control data are suitable for defining buffer size to be allocated the second control data are suitable for defining one or more second multimedia data packets to be buffered, and the third

control data, are suitable for defining a mode for buffering the second multimedia data packets; allocating, in a buffer, buffer size according to the first control data (Length); storing the first decoded multimedia data packets in the buffer”.

However, Coding of audio-visual object discloses, “extracting from said control information of the second substream containing first, second and third control data, wherein the first control data are suitable for defining buffer size to be allocated the second control data are suitable for defining one or more second multimedia data packets to be buffered, and the third control data, are suitable for defining a mode for buffering the second multimedia data packets” at page.151, lines 35-46 and page.152, lines 11-14, (the length field specifies the length in seconds of the audio buffer);

- “allocating, in a buffer, buffer size according to the first control data (Length)” at page. 13, lines 11-17, Page. 151, lines 13-46 and page.152, lines 3-27;
- “storing the first decoded multimedia data packets in the buffer” at Page. 151, lines 13-46 and page.152, lines 3-27;

Fujinami and Coding of audio-visual object are analogous art because they are from the same field of endeavor of multimedia streaming systems.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Fujinami and Coding before him or her, to modify Fujinami’s multimedia streaming systems such that it would have included further limitation, “extracting from said control information of the second substream containing first, second and third control data, wherein the first control data are suitable for

defining buffer size to be allocated the second control data are suitable for defining one or more second multimedia data packets to be buffered, and the third control data, are suitable for defining a mode for buffering the second multimedia data packets".

The suggestion/motivation for doing so would have been to provide "For decoding data streams e.g. audio/video streams in buffering node for multimedia streaming systems in broadcast receiver and music rendering devices" (see Coding of audio-visual object discloses, Page. Xii, lines 2-26 and 38-42).

Therefore, it would have been obvious to combine Fujinami with Coding to obtain the invention as specified in the instant claim 1.

As to claim 2, the combination of Fujinami and Coding of audio-visual object (hereinafter Fujinami/ Coding of audio-visual object) discloses, "Method according to claim 1, wherein the third control data defines one of a plurality of operation modes, wherein in a first mode buffering of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents" see Coding of audio-visual object, at Page. 151, lines 13-46 and page.152, lines 3-25 and lines 29-43 and page.153, lines 32-37.

As to claim 3, Fujinami/ Coding of audio-visual object discloses, "Method according to claim 2, wherein the third mode has two variations, wherein in the first variation the buffering of multimedia data packets stops when the buffer is full, and in the second variation previously buffered data may be overwritten when the buffer is full" see Fujinami, col.3, lines 43-54 and col.7, lines 36-53 and Coding of audio-visual object discloses, page. 262, lines 45-58.

As to claim 4, Fujinami / Coding of audio-visual object discloses, "Method according to claim 1, wherein the method is utilized in an instance of a processing node and wherein the first control data defines the allocated buffer size at node creation time" see Coding of audio-visual object discloses , at page. 13, lines 11-17, Page.151, lines 13-46 and page.152, lines 3-27.

As to claim 5, Fujinami / Coding of audio-visual object discloses, "Method according to claim 1, wherein labels are attached to the buffered first and other multimedia data packets, and the packets may be accessed through their respective label" see Coding of audio-visual object discloses, at page. 13, lines 11-17, Page.151, lines 13-46 and page.152, lines 3-27.

As to claim 6, Fujinami / Coding of audio-visual object discloses, "Method according to the claim 5, wherein a label attached to the buffered data packets contains an index relative to the latest received data packet" see Coding of audio-visual object discloses, at page. 13, lines 11-17, Page.151, lines 13-46 and page.152, lines 3-27.

As to claim 7, Fujinami / Coding of audio-visual object discloses, "Method according to claim 1, wherein the first substream contains audio data and the second substream contains a description of the presentation" see Coding of audio-visual object discloses, page. 14, lines 13-43.

As to claim 8, Fujinami teaches, "apparatus for decoding a data stream, the data stream containing a first and a second substream, the first substream containing first and second multimedia data packets and the second substream containing control information, wherein the multimedia data packets contain an indication of the time, when to be presented and are decoded prior to their indicated presentation time, and wherein the first and second multimedia data packets are buffered (see at col.1, lines 53-57 and col. 11, lines 66-67 and col.12, lines 1-19), comprising buffering means for said buffering of the first and the second multimedia data packets;

- "means for storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer" at col. 11, lines 66-67 and col.12, lines 1-19 and col.13, lines 29-41, (the video and audio decoding time stamp data may be replaced by alternative, yet equivalent, time data known as presentation time stamp (PTS) data).

However, Coding of audio-visual object discloses, "means for extracting from said control information of the second substream first, second and third control data wherein the first control data are suitable for defining buffer size to be allocate, the second control data are suitable for defining one or more second multimedia data packets them to be buffered, and the third control data to defining a mode for buffering the second a multimedia data packets" at page.151, lines 35-46 and page.152, lines 11-14, (the length field specifies the length in seconds of the audio buffer);

- "means for allocating, in the buffer, buffer size according to the first control data" at page. 13, lines 11-17, Page. 151, lines 13-46 and page.152, lines 3-27;
- "means for storing the first decoded multimedia data packets in the buffer" at page. 13, lines 11-17, Page. 151, lines 13-46 and page.152, lines 3-27;

Fujinami and Coding of audio-visual object are analogous art because they are from the same field of endeavor of multimedia streaming systems.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Fujinami and Coding before him or her, to modify Fujinami's multimedia streaming systems such that it would have included further limitation, "extracting from said control information of the second substream containing first, second and third control data, wherein the first control data are suitable for defining buffer size to be allocated the second control data are suitable for defining one or more second multimedia data packets to be buffered, and the third control

data, are suitable for defining a mode for buffering the second multimedia data packets”.

The suggestion/motivation for doing so would have been to provide “For decoding data streams e.g. audio/video streams in buffering node for multimedia streaming systems in broadcast receiver and music rendering devices” (see Coding of audio-visual object discloses, Page. Xii, lines 2-26 and 38-42).

Therefore, it would have been obvious to combine Fujinami with Coding to obtain the invention as specified in the instant claim 8.

As to claim 9, Fujinami / Coding of audio-visual object discloses, “apparatus according to claim 8, further comprising means for attaching labels to the buffered multimedia data packets, and means for accessing, retrieving or deleting the packets through their respective label” see Coding of audio-visual object discloses, at page. 13, lines 24-39, page.9, lines 15-28

As to claim 10, Fujinami / Coding of audio-visual object discloses, “apparatus according to claim 8, wherein the data stream is an MPEG-4 compliant data stream” see Coding of audio-visual object discloses, page.151, lines 13-22.

As to claim 11, Fujinami/ Coding of audio-visual object discloses, “Method according to claim 1, wherein replacing the stored first decoded multimedia packets with the second multimedia data packets further comprises the step of clearing the buffer before storing the second multimedia data packets” see Coding of audio-visual object discloses, at page. 13, lines 11-17, Page.151, lines 13-46 and page.152, lines 3-27.

As to claim 12, Fujinami / Coding of audio-visual object discloses, apparatus according to claim 8, wherein the third control data defines one of a plurality of operation modes, wherein in a first mode buffering of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents" see Coding of audio-visual object, at Page. 151, lines 13-46 and page.152, lines 3-25 and lines 29-43 and page.153, lines 32-37.

Response to Arguments

4. Applicant's arguments filed 11/05/2006 have been fully considered but they are not persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of "Information technology-Coding of audio-visual object, March, 2002".

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zhang et al. (US Patent No. 7,260,826) discloses Resource allocation in multi-stream IP network for optimized quality of service.

Yun et al. (US Patent No. 7,177,357) discloses a data processing system for stereoscopic 3-dimensional video based on MPEG-4 and method thereof.

Fajardo et al. (US Publication No. 2007/0014259) discloses "DYNAMIC PACKET BUFFERING SYSTEM FOR MOBILE HANDOFF".

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad N. Rahman whose telephone number is 571-270-1631. The examiner can normally be reached on 7:30am - 5:00 pm, Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu M can be reached on 572-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. N Rahman/
Examiner, Art Unit 2161
Date: 01/26/2009

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161